

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATURAL GROCERS, et al.,) Case No. 22-16770
)
<i>Plaintiffs-Appellants,</i>) D.C. 3:20-cv-05151-JD
) Northern District of California
v.) San Francisco
)
THOMAS J. VILSACK, et al.,)
)
<i>Defendants-Appellees.</i>)
)

**NATURAL GROCERS, ET AL. APPELLANTS' MOTION TO EXTEND
BRIEFING SCHEDULE**

Pursuant to Circuit Rule 31-2.2(b), Appellants Natural Grocers, Citizens for GMO Labeling, Label GMOs, Rural Vermont, Good Earth Natural Foods, Puget Consumers Co-op, and Center for Food Safety (collectively Appellants) respectfully request a sixty-day extension of time to file Appellants' opening brief in the above-captioned case, from the current due date of January 9, 2023, to March 10, 2023. As detailed below and in the concurrently filed Declaration of Meredith Stevenson, Appellants make this request for an extension to file the opening brief based on diligence and substantial need. This is the first request by Appellants for an extension.

A 60-day extension from the current opening brief deadline of January 9, 2023 is warranted in light of Appellants' competing deadlines as well as the intervening holiday season upcoming and related vacation schedules for counsel.

As for competing deadlines, for example, Appellants' same counsel also represent plaintiffs in *National Family Farm Coalition v. EPA*, No. CV-20-00555-DCB (D. Az.), a case in which the district court issued an order on December 20, 2022 for plaintiffs to submit their opening

motion for summary judgment and supporting materials by January 18, 2023. Order, *id.*, ECF No. 101; *see* Stevenson Decl. ¶ 3. And in a separate case, Appellants' same counsel also have a deadline for a Summary Judgment reply and supporting materials in *National Family Farm Coalition v. EPA*, No. 21-5695-JD (N.D. Cal.) on February 2, 2023. *Id.* ¶ 4.

Accordingly, the requested extension is necessary in light of counsel for Appellants' ongoing efforts to meet these competing deadlines, among others, as well as the upcoming holiday period and previously scheduled vacation time, to ensure that their attorneys are fully equipped with the expertise necessary for the case at hand.

Pursuant to Circuit Rule 27-1, counsel for Appellants has solicited the positions of the other parties. *See* Stevenson Decl. ¶ 7. Appellees consent to the extension. Intervenor-Appellees have not responded. *Id.*

Therefore, Appellants respectfully request that the Court extend the deadline for Appellants' Opening Brief from January 9, 2023, to March 10, 2023.

Respectfully submitted this 22nd day of December, 2022.

s/ Meredith Stevenson
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